

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2977 or
(406) 841-2976

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-238
)	
Plaintiff,)	Missoula County District Court
)	Montana Fourth Judicial District
)	
-vs-)	DECISION
)	
JEROLD TIMOTHY WELLER,)	
Defendant.)	

On July 24, 2019, the Defendant was sentenced as follows: Count I: Three (3) years in the Montana State Prison, for the offense of Theft – Obtaining Control over Stolen Property Exceeding \$1,500, a Felony, in violation of §45-6-301(3)[4], MCA; Count II: Five (5) years in the Montana State Prison, for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102(1), MCA; Count III: A Six (6) month commitment to the Missoula County Detention Center, with six (6) months suspended, for the offense of Criminal Possession of Drug Paraphernalia, a Misdemeanor, in violation of §45-10-103, MCA; and Count IV: A Six (6) month commitment to the Missoula County Detention Center, with six (6) months suspended, for the offense of Obstructing a Peace Officer or Other Public Servant, a Misdemeanor, in violation of §45-7-302(1), MCA. The Court ordered Counts I – IV to run concurrently with each other and concurrently with DC-19-202 and Lake Co. DC-17-350. The Court granted credit for time served in the amount of 207 days. The Court recommended that the Department of Corrections and/or the Parole Board consider placing Defendant at Nexus once he surpasses 120 days of clear conduct, followed by the appropriate step-down treatment and supervision through Adult Probation and Parole.

On November 8, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Crossroads Correctional Center and was represented by John Ferguson, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 8th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION


Hon. Brenda Gilbert, Chairperson


Hon. Dan Wilson, Member


Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:
Clerk of District Court (Original)
Jerold Timothy Weller #3026375, Defendant (2)
Hon. John Larson
John Ferguson, Defense Counsel
Brittany Lynn Williams, Esq..
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division